REMARKS

In section 2a of the Office Action, the Examiner rejected claims 31-35, 37, 38, 41-43, and 46 under 35 U.S.C. §103(a) as being unpatentable over the Shintani patent in view of the Humpleman patent.

Independent claim 31 is directed to a television control system comprising a host device and a plurality of dispersed televisions. The host device has a host processor, a host receiver, and a host transmitter. The host processor controls the host transmitter to transmit command signals, and the host processor processes confirmation signals received by the host receiver. Each of the plurality of dispersed televisions has a television processor, a television receiver, and a television transmitter. Each television processor processes the command signals received by a corresponding television receiver, and each television processor controls a corresponding television transmitter to transmit the confirmation signals upon performance of functions commanded by the command signals.

The Shintani patent discloses a remote control 100 and a television set 101 each having a transmitter and a receiver such that signals can be communicated between the remote control 100 and the television set 101

by way of a communications link 102. The television set 101 can send a confirmation signal to the remote control 100 when a valid instruction is received by the television set 101 from the remote control 100. Alternatively, the television set 101 can send an error signal to the remote control 100 when an invalid instruction is received by the television set 101 from the remote control 100. The television set 101 can send a prompt signal to the remote control 100 when an instruction received by the television set 101 from the remote control 100 requires additional input in order to execute the instruction. The remote control 100 has a display 103 that can display a listing of sub-channels or an electronic program guide received from the television set 101. The television set 101 can transmit commands from the remote control 100 to a peripheral device.

As can be seen, the Shintani patent does not disclose the television control system recited in independent claim 31. For example, the Shintani patent does not disclose communication between a host device and a plurality of dispersed televisions.

The Examiner asserts that it is notoriously old to control a plurality of televisions from a host device, citing both the Humpleman patent and the background

section of the present application. The Examiner then argues that it would been obvious in view of this art to modify the arrangement disclosed in the Shintani patent by providing additional television sets 101 controlled by the remote control 100. Presumably, the remote control 100 in this combination will also receive confirmation signals from the additional television sets.

However, the Examiner has found no suggestion in the prior art to so modify the arrangement disclosed in the Shintani patent. The Examiner has merely asserted that it is desirable to do so. The problem with this assertion is that the desirability relied on by the Examiner is found only in the present application, and the Examiner cannot use a suggestion in a patent application in this manner to reject claims in the same patent application.

Moreover, even if providing additional devices were obvious as a general rule, the invention of independent claim 31 is not obvious here. When televisions are dispersed so that they cannot all be observed by a user who controls the televisions, it is important that the host device controlling the dispersed televisions know that the dispersed televisions have received the commands transmitted by the host device.

The Shintani patent does not disclose or suggest this importance and, therefore, does not suggest a system in which a host device is used to control plural dispersed televisions.

In fact, the Shintani patent does not suggest any reason for using the remote control 100 to control a plurality of dispersed televisions. Indeed, the functions performed by the remote control 100 (displaying sub-channels and/or an electronic program guide) are better performed if the remote control 100 operates with a single television.

The Humpleman patent likewise does not suggest controlling a plurality of dispersed televisions from a common host device so that the common host device receives a confirmation signal from the dispersed televisions. The Humpleman patent discloses a home network 100 having a serial bus 114 that electronically interconnects a digital television 102, a satellite receiver 104, a DVD 108, and a VCR 110. The digital television 102 provides the human interface for the home network 100 by employing browser technology to allow users to control and command the home devices over the home network 100. Alternatively, this interface may be provided by a remote control.

This human interface includes a device link page 402 that contains home device buttons 406 for each home device connected to the home network 100. Each home device button 406 is associated with a hypertext link to the top-level home page of the corresponding home device. As shown in Figure 6, the home device buttons may be in the form of icons and, as shown in Figure 7, the home device buttons may be arranged in groups.

A session page is generated as an interface displayed on the digital television 102. The session page allows the user to command and control the home devices that are connected to the home network 100 in order to perform various functions and/or services such as starting play of a movie, programming a satellite receiver, and recording a television program.

Figure 8 shows a session page 702 that contains frames 704, 706 and 708. Frame 704 contains a device link page 710 that contains device buttons 712 for the home devices connected to the home network 100. As shown in Figure 10, if the user selects the device button 712 for Dad's TV, the top-level home page 804 for Dad's TV is displayed in the frame 706. If the user then selects a second device button, such as the device button 712 corresponding to Jim's DVD, the top-level home page 904

for Jim's DVD is displayed in the frame 708. In this case, Dad's TV and Jim's DVD, having been selected, can communicate with each other to set up and perform the desired service as selected by the user through use of the options displayed on the home pages 804 and 904.

The Humpleman patent also does not suggest a plurality of televisions that transmit confirmation signals to a host device (i.e., the digital television 102 or a remote control). Indeed, the Humpleman patent, by disclosing a plurality of dispersed televisions and other controllable devices and by not disclosing that such televisions and other devices transmit confirmation messages back to the host device, suggests just the opposite, i.e., that confirmation messages are unnecessary.

Moreover, the Humpleman patent does disclose that an icon image version may be dependent on a device's representative state in order to provide feedback to the user as to the particular state of the home device. However, the Humpleman patent does not suggest that the state of an icon is based on confirmation messages transmitted by the television to the host, but only that the state of the icon depend on selections made by the user. Thus, the Humpleman patent merely suggests that,

when a user clicks on an icon, the state of the icon changes in response to the click, not in response to a conformation message transmitted by a television to the host device. In effect, the Humpleman patent teaches away from the present invention.

Accordingly, because neither the Shintani patent nor the Humpleman patent suggests dispersed televisions that transmit confirmation messages to a host device, independent claim 31 is not unpatentable over the Shintani patent in view of the Humpleman patent.

Furthermore, neither the Shintani patent nor the Humpleman patent suggests sending the confirmation signals upon performance of functions commanded by the command signals. The Shintani patent discloses that the confirmation signal is transmitted by the television set 101 upon receipt of an instruction from the remote control 100. The Shintani patent does not disclose that the confirmation signal is transmitted by the television set 101 upon performance of the instruction. The Humpleman patent does not disclose or suggest that the televisions send confirmation messages of any type.

The Examiner points out that the Shintani patent does disclose (i) that the television set 101 sends a confirmation signal to the remote control 100 to

confirm receipt of an instruction from the remote control 110 and (ii) that the television set 101 sends an error signal to the remote control 100 when an invalid instruction signal is received by the television set 101 from the remote control 100. The Examiner then argues that it would have been obvious to transmit an additional signal confirming execution of an instruction as a way of additionally confirming that a valid message has been received.

However, it does not follow from the disclosure of a confirmation message and an error message that an additional message confirming execution of an instruction is necessary in order to provide additional confirmation of the receipt of a valid message. Indeed, according to the teachings of the Shintani patent, once the message is sent, there would be no purpose in sending a second confirmation message except redundancy and, if redundancy is the objective, sending either the disclosed confirmation signal twice or the disclosed error message twice would suffice.

Moreover, the Shintani patent discloses that the confirmation signal and the error signal are alternatives, thus teaching away from the use of an additional signal. That is, the Shintani patent teaches

that only a single message is necessary to confirm receipt of a valid message, i.e., either a valid message confirmation message or a non-valid error message.

Accordingly, because neither the Shintani patent nor the Humpleman patent suggests sending the confirmation signals upon performance of functions commanded by a command signal, independent claim 31 is not unpatentable over the Shintani patent in view of the Humpleman patent.

Independent claim 42 is directed to a television signal transmission method comprising transmitting a command signal from a host device to each of a plurality of dispersed televisions directing the televisions to perform a function, receiving at the host device confirmation signals from the plurality of televisions, and determining at the host device a failure to receive a confirmation signal from one or more of the televisions.

As discussed above, neither the Shintani patent nor the Humpleman patent suggests dispersed televisions that transmit confirmation messages to a host device. Accordingly, independent claim 42 is not unpatentable over the Shintani patent in view of the Humpleman patent.

Moreover, there is no suggestion in the Shintani patent of determining when a confirmation signal is not received from one or more televisions, and the Humpleman patent does not disclose confirmation messages at all.

Accordingly, because neither the Shintani patent nor the Humpleman patent suggests determining when a confirmation signal is not received from one or more televisions, independent claim 42 is not unpatentable over the Shintani patent in view of the Humpleman patent.

The Examiner points out that the Shintani patent does disclose (i) that the television set 101 sends a confirmation signal to the remote control 100 to confirm receipt of an instruction from the remote control 110 and (ii) that the television set 101 sends an error signal to the remote control 100 when an invalid instruction signal is received by the television set 101 from the remote control 100. The Examiner then argues that it would have been obvious to transmit an additional signal confirming execution of an instruction as a way of additionally confirming that a valid message has been received.

However, independent claim 42 does not recite that the confirmation signal confirms performance of

functions commanded by a command signal. Accordingly, the Examiner's argument is not directed to this feature of independent claim 42.

In section 2b of the Office Action, the Examiner rejected claim 36 under 35 U.S.C. §103(a) as being unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Schindler patent.

As discussed above, neither the Shintani patent nor the Humpleman patent suggests dispersed televisions that transmit confirmation messages to a host device. Moreover, neither the Shintani patent nor the Humpleman patent suggests sending the confirmation signals upon performance of functions commanded by a command signal. Furthermore, the Schindler patent does not disclose or suggest that dispersed televisions transmit confirmation messages to a host device or that a confirmation signal is sent upon performance of functions commanded by a command signal. Therefore, independent claim 31 is not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Schindler patent.

Accordingly, because independent claim 31 is not unpatentable over the Shintani patent in view of the

Humpleman patent and further in view of the Schindler patent, dependent claim 36 is likewise not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Schindler patent.

In section 2c of the Office Action, the Examiner rejected claims 39 and 44 under 35 U.S.C. §103(a) as being unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Redford patent and still further in view of the Escobosa patent.

At the outset, a rejection that relies on four references is not particularly plausible.

Moreover, as discussed above, neither the Shintani patent nor the Humpleman patent suggests dispersed televisions that transmit confirmation messages to a host device. Also, neither the Shintani patent nor the Humpleman patent suggests sending the confirmation signals upon performance of functions commanded by a command signal. Similarly, neither the Redford patent nor the Escobosa patent discloses or suggests that dispersed televisions transmit confirmation messages to a host device or that a confirmation signal is sent upon performance of functions commanded by a command signal. Therefore, independent claim 31 is not unpatentable over

the Shintani patent in view of the Humpleman patent and further in view of the Redford patent and still further in view of the Escobosa patent.

Accordingly, because independent claim 31 is not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Redford patent and still further in view of the Escobosa patent, dependent claim 39 is likewise not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Redford patent and still further in view of the Escobosa patent.

Furthermore, as also discussed above, independent claim 42 is patentable over the Shintani patent and the Humpleman patent because neither the Shintani patent nor the Humpleman patent suggests dispersed televisions that transmit confirmation messages to a host device, and because neither the Shintani patent nor the Humpleman patent discloses or suggests that the host device determine a failure to receive a confirmation signal from one or more of the televisions. Similarly, neither the Redford patent nor the Escobosa patent discloses or suggests that dispersed televisions transmit confirmation messages to a host device or that the host device determine a failure to receive a confirmation

signal from one or more of the televisions. Therefore, independent claim 42 is not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Redford patent and still further in view of the Escobosa patent.

Accordingly, because independent claim 42 is not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Redford patent and still further in view of the Escobosa patent, dependent claim 44 is likewise not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Redford patent and still further in view of the Escobosa patent.

In section 2d of the Office Action, the Examiner rejected claims 40 and 45 under 35 U.S.C. §103(a) as being unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Redford patent and still further in view of the Escobosa patent and yet further in view of the Launey patent.

At the outset, it was noted above that a rejection that relies on four references is not particularly plausible. A rejection that relies on five references is even more implausible.

Moreover, as discussed above, neither the Shintani patent nor the Humpleman patent suggests dispersed televisions that transmit confirmation messages to a host device. Also, neither the Shintani patent nor the Humpleman patent suggests sending the confirmation signals upon performance of functions commanded by a command signal. Similarly, the Redford patent, the Escobosa patent, and the Launey patent, taken alone or in combination, do not disclose or suggest that dispersed televisions transmit confirmation messages to a host device or that a confirmation signal is sent upon performance of functions commanded by a command signal. Therefore, independent claim 31 is not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Redford patent and still further in view of the Escobosa patent and yet further in view of the Launey patent.

Accordingly, because independent claim 31 is not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Redford patent and still further in view of the Escobosa patent and yet further in view of the Launey patent, dependent claim 40 is not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the

Redford patent and still further in view of the Escobosa patent and yet further in view of the Launey patent.

Furthermore, as also discussed above, independent claim 42 is patentable over the Shintani patent and the Humpleman patent because neither the Shintani patent nor the Humpleman patent suggests dispersed televisions that transmit confirmation messages to a host device, and because neither the Shintani patent nor the Humpleman patent discloses or suggests that the host device determine a failure to receive a confirmation signal from one or more of the televisions. Similarly, the Redford patent, the Escobosa patent, and the Launey patent do not disclose or suggest that dispersed televisions transmit confirmation messages to a host device or that the host device determine a failure to receive a confirmation signal from one or more of the televisions. Therefore, independent claim 42 is not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Redford patent and still further in view of the Escobosa patent and yet further in view of the Launey patent.

Accordingly, because independent claim 42 is not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Redford

patent and still further in view of the Escobosa patent and yet further in view of the Launey patent, dependent claim 45 is not unpatentable over the Shintani patent in view of the Humpleman patent and further in view of the Redford patent and still further in view of the Escobosa patent and yet further in view of the Launey patent.

CONCLUSION

In view of the above, it is clear that the claims of the present application patentably distinguish over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the above captioned patent application are respectfully requested.

Respectfully submitted,

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